

VZCZCXYZ0003
PP RUEHWEB

DE RUCNDT #0110/01 0411624
ZNY CCCCC ZZH
P 101624Z FEB 09
FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC PRIORITY 5797
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY
RUEHLB/AMEMBASSY BEIRUT PRIORITY 1540
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 9097

C O N F I D E N T I A L USUN NEW YORK 000110

SIPDIS

E.O. 12958: DECL: 02/06/2019
TAGS: KJUS PTER UNSC PREL SY LE
SUBJECT: REPORTING TO SECURITY COUNCIL AFTER SPECIAL
TRIBUNAL FOR LEBANON BEGINS OPERATIONS

REF: A. USUN NEW YORK 00044
1B. 02/03/09 - BUCHWALD/SIMONOFF EMAIL

Classified By: Ambassador Rice for Reasons 1.4 (b) and 1.4 (d)

¶1. (C) Summary: French and UK Mission legal officers, together with Legoff, met with Under Secretary-General Patricia O'Brien, Assistant Secretary-General Peter Taksoe-Jensen and other staff of the U.N. Office of Legal Affairs (OLA) on February 4 to discuss whether the Secretary-General will continue reporting to the Security Council after the Special Tribunal for Lebanon (STL) becomes operational on March 1. While O'Brien questions whether the relevant Security Council resolution reporting language applies after March 1 and whether it is appropriate for the Secretary-General to continue reporting, P-3 members take a different view, and do not see the need to have to negotiate a new reporting mandate at the Security Council. End summary.

¶2. (SBU) OLA had told the STL Management Committee on January 22 that it interprets Security Council resolution 1757 as not requiring the Secretary-General to report on the STL beyond its operational date. (Ref A).

¶3. (C) The French legal officer said that it was important to maintain a link between the STL and the Security Council, and that it was preferable to stay within the framework of Security Council Resolution 1757, which in operative paragraph 3 provides a basis for reporting. That resolution continues to apply after the STL begins its operations. The French representative noted that the STL statute (which is annexed to Resolution 1757) requires the President of the Tribunal to report to the Secretary-General annually, and that it made sense that the Secretary-General would send those reports on to the Security Council pursuant to Resolution 1757. France conceded that there was some logic in having the President and Prosecutor of the STL report directly to the Council, but noted that a new Security Council decision would have to be taken and there might not be support within the Security Council for this approach. France noted that the Lebanese Mission shares its views.

¶4. (C) The UK generally agreed with France, but said that, ideally, the STL President and Prosecutor would report directly to the Security Council.

¶5. (C) Under Secretary-General O'Brien said that the United Nations would have a different relationship with the STL after March 1. She questioned whether Resolution 1757's reporting requirement in operative paragraph 3 applies after March 1. She thought it would be odd to have the Secretary-General report on a Tribunal about which he had no direct knowledge. She thought the best approach would be to have the President and the Prosecutor report directly to the Security Council, recognizing that the Security Council would need to affirmatively decide this. She was thinking about

laying out options for the Security Council with respect to future reporting.

¶6. (C) Drawing on Ref B, Legoff said that the Secretary-General will continue to have STL-related responsibilities after March 1, per the Annex to UNSCR 1757 (the Agreement between the UN and the Lebanese Republic on the establishment of a STL) including potential future appointments of judges and other positions, including the Registrar and the Prosecutor, as well as receiving the reports from the President of the STL. He noted that Resolution 1757 requests the Secretary-General to report to the Council &periodically on the implementation of this resolution,⁸ and that this would continue to apply unless the Security Council decided otherwise. Legoff suggested that the Secretary-General make it clear in his next report that he will continue to report pursuant to Resolution 1757 if the Security Council does not decide otherwise. This reporting could simply consist of forwarding the reports of the President and Prosecutor to the Security Council.

¶7. (C) O'Brien said that the Yugoslavia and Rwanda Tribunal Presidents and Prosecutor report directly to the Council, and it would be appropriate for the STL counterparts to do so. (Note. Unlike the STL, those Tribunals are subsidiary bodies of the Security Council. End note.) She queried whether there would need to be Security Council meetings each time the Secretary-General sent a report to the Security Council, and if so, what role the Secretary-General would play. In the view of an OLA staff attorney, if there were potential political difficulties among Security Council Members regarding reporting, the Secretary-General should not be drawn into the issue. O'Brien concluded that she would meet with Lebanon to learn its views on this issue and would give the issue further thought.

¶8. (C) In the margins of the February 5 STL Management Committee meeting, Legoff and France briefed the Lebanese DPR on the meeting with O'Brien. She said that a meeting was scheduled between O'Brien and the Lebanese Permanent Representative for early next week, and that she would ensure that the issue was discussed.
Rice